

Title	Rules for Coordination of Complex Civil Cases (amend Cal. Rules of Court, rules 1501–1529 and 1540–1550 and adopt new rules 1530–1532)
Summary	<p>The proposed amendments to the coordination rules would require a coordination motion judge to set the hearing on a petition for coordination within 30 days of the judge’s assignment, permit a coordination motion judge to continue a hearing on a petition to coordinate no more than 30 days in order to hear a subsequently filed petition at the same time, simplify the procedures for stays, and allow a party to move to terminate a stay 30 days after it is issued. Proposed new rules would require parties to give notice of potential add-on cases, allow potential add-on cases to be considered at a hearing on a petition to coordinate, and require a coordination motion judge who grants coordination to recommend a site for coordination proceedings and provide a list of factors for the judge to consider in making the recommendation.</p>
Source	Civil and Small Claims Advisory Committee
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Discussion	<p>Rules 1501–1550 were adopted in 1974 to set out procedures for coordinating in one court complex civil actions sharing a common question of law or fact pending in different courts. Most of the rules have remained unchanged since their adoption. The proposed amendments are intended to improve the fair and efficient handling of coordination petitions and of cases appropriate for coordination.</p> <p>The rules have been amended to achieve this goal and, as part of a rules reorganization project, they have been renumbered and reorganized and their language has been updated and clarified.</p> <p>The most significant changes are discussed below.</p> <p><i>Timing</i></p> <ul style="list-style-type: none"> Proposed amended rule 1527 requires the coordination motion judge to set a hearing date on a petition to coordinate within 30 days of the judge’s assignment and permits a continuance of no more than 30 days in order to hear a subsequently filed petition at the same time as the initial petition.

- A response in opposition to or support of a petition must be filed at least 10 calendar days before the date set for hearing, under proposed amended rules 1525 and 1526, rather than 45 days after service of notice of the petition.
- Proposed amended rule 1541 requires the coordination trial judge to hold a case management conference within 45 days of assignment. The existing rule states that a preliminary trial conference should be held “preferably” within 30 days of assignment.

Multiple petitions, related cases, and potential add-on cases

- Proposed amended rule 1521(a)(5) requires the petitioner to certify that the petitioner knows of no other actions sharing a common question of law or fact.
- Proposed amended rule 1521(a) (3) requires a plaintiff-petitioner’s attorney to state *whether* the attorney has served all defendants with the summons and complaint. This highlights the issue of service for the coordination motion judge to consider, but does not prohibit a plaintiff from filing a petition if not all defendants in all included actions have been served.
- Currently, there is no rule that explicitly allows a party that supports coordination but does not support the site requested by the petitioner to suggest an alternative site and give reasons why the alternative should be selected. Because of this, some parties file oppositions even when they do not oppose coordination, or they file separate petitions to coordinate. Proposed amended rule 1526 allows a party to request a different location in a response in support of a coordination petition. Similar to rule 1521 (existing rule 1521), which governs the content of a petition, it requires the party to provide facts relied on in support of a request that a particular site be selected.
- Proposed new rule 1531(a) requires a party to give notice of any potential add-on case in which the party is named or the party’s attorney has appeared. If the parties stipulate, the potential add-on case will be deemed an included action for

purposes of the hearing on the petition. (Rule 1531(b).)

- Under proposed new rule 1532, if it appears that included actions in a petition for coordination share a common question of law or fact with cases already ordered coordinated, the Chair of the Judicial Council may assign the petition to the coordination trial judge for the existing coordinated cases to decide the petition as a request to coordinate an add-on case under rule 1544. If the judge grants the petition, the cases will be added on to the existing coordination proceedings. If the judge denies coordination of the included actions as add-on cases, the petition will be assigned to a coordination motion judge to determine whether coordination in a new coordination proceeding is appropriate under rule 1524.

Site of coordination proceedings

- Proposed new rule 1530 authorizes a coordination motion judge to recommend a site for the coordination proceedings (if coordination is granted) and lists factors for the judge to consider in making the recommendation. Though many judges do make such a recommendation there is no rule addressing this.

Stay orders

- The existing rule for stay orders is difficult to understand and some provisions may be unnecessary. For example, it provides that if a stay order is issued without a hearing and there was a written objection, the stay order terminates 30 days after it is filed. (Rule 1514(b).) If a stay order is issued without a hearing and there was no written objection, the stay order terminates 30 days after a party submits a written request for a “hearing to determine whether the stay order shall remain in effect.” (Rule (1514(b).)

The proposed amended rule provides that a stay order may be issued with or without a hearing (rule 1514(e)), and allows a party to move to terminate the stay order after 30 days, regardless of whether there was a hearing or written objection to the stay. (Rule 1514(g)). These distinctions in

the current rule seem unnecessary and likely to confuse. Neither the current rule nor the proposed amended rule limit the length of a stay, except for the automatic termination provision in the current rule. (Rule 1514(b), first sentence.) Thus, a stay order could stay the action for 60 days, 90 days, or longer, for example, but under the amended rule, any party could move to terminate the stay after 30 days.

Attachment

Chapter 7. Coordination of Complex Actions

Article 1. General Provisions

Rule 1501. Definitions

As used in ~~these rules~~ this chapter, unless the context or subject matter otherwise requires:

- ~~(a)~~(1) “action” means any civil action or proceeding subject to coordination or affecting an action that is subject to coordination.
- ~~(b)~~(2) “add-on case” means an action that is proposed for coordination; ~~under pursuant to Code of Civil Procedure section 404.4, of the Code of Civil Procedure,~~ with actions previously ordered coordinated.
- ~~(c)~~(3) “assigned judge” means any judge assigned by the ~~Chairman~~ of the Judicial Council or by a presiding judge authorized by the Chair of the Judicial Council to assign a judge under pursuant to Code of Civil Procedure sections 404 or 404.3, of the Code of Civil Procedure, including a “coordination motion judge” and a “coordination trial judge.”
- ~~(d)~~(4) “clerk,” unless otherwise indicated, means any person designated by an assigned judge to perform any clerical duties ~~in accordance with these rules~~ under the rules in this chapter.
- ~~(e)~~(5) “coordinated action” means any action that has been ordered coordinated with one or more other actions ~~pursuant to~~ under chapter ~~2~~ 3 (commencing with Section 404) of title 4 of part 2 of the Code of Civil Procedure and the rules in this chapter pursuant to these rules.
- ~~(f)~~(6) “coordination attorney” means an attorney in the Administrative Office of the Courts appointed by the ~~Chairman~~ of the Judicial Council to perform such administrative functions as may be appropriate under ~~these the rules in this chapter~~, including but not limited to the functions described in rules 3.524 ~~1524~~ and 3.550. ~~1550.~~[*]
- ~~(g)~~(7) “coordination motion judge” means an assigned judge designated ~~pursuant to~~ under Code of Civil Procedure section 404 ~~of the Code~~

1 of Civil Procedure to determine whether coordination is
2 appropriate.

3
4 ~~(h)~~(8) “coordination proceeding” means any procedure authorized by
5 chapter ~~2~~ 3 (commencing with section 404) of title 4 of part 2 of
6 the Code of Civil Procedure and by ~~these~~ the rules in this chapter.

7
8 ~~(i)~~(9) “coordination trial judge” means an assigned judge designated
9 ~~pursuant to~~ under Code of Civil Procedure section 404.3 ~~of the~~
10 ~~Code of Civil Procedure~~ to hear and determine coordinated actions.

11
12 ~~(j)~~(10) “expenses” means all necessary costs that are reimbursable under
13 Code of Civil Procedure section 404.8 ~~of the Code of Civil~~
14 ~~Procedure~~ including the compensation of the assigned judge and
15 other necessary judicial officers and employees, the costs of any
16 necessary travel and subsistence determined ~~pursuant to~~ under
17 rules of the State Board of Control, and all necessarily incurred
18 costs of facilities, supplies, materials, and telephone and mailing
19 expenses.

20
21 ~~(k)~~(11) “included action” means any action or proceeding included in a
22 petition for coordination;

23
24 ~~(l)~~(12) “liaison counsel” means an attorney of record for a party to an
25 included action or a coordinated action who has been appointed by
26 an assigned judge to serve as representative of all parties on a side
27 with the following powers and duties, as appropriate:

28
29 ~~(1)~~(A) to receive on behalf of and promptly distribute to the
30 parties for whom he or she acts, all notices and other
31 documents from the court;

32
33 ~~(2)~~(B) to act as spokes~~man~~person for the side ~~which~~ that he or
34 she represents at all proceedings set on notice before trial,
35 subject to the right of each party to present individual or
36 divergent positions; and

37
38 ~~(3)~~(C) to call meetings of counsel for the purpose of proposing
39 joint action.

40
41 ~~(m)~~(13) “party” includes all parties to all included actions or coordinated
42 actions, and the word “party,” “petitioner,” or any other
43 designation of a party includes ~~such~~ that party’s attorney of record.

1 When a notice or other paper is required to be given or served on a
2 party, ~~such~~ the notice or paper ~~shall~~ must be given to or served on
3 his the party's attorney of record, if any.
4

5 ~~(n)~~(14) “petition for coordination” means any petition, motion, application,
6 or request for coordination of actions submitted to the Chairman of
7 the Judicial Council or to a coordination trial judge ~~pursuant to~~
8 under rule 1544. 3.544. [*]
9

10 ~~(o)~~(15) “remand” means to ~~remove~~ return a coordinated action or a
11 severable claim or issue in ~~that~~ a coordinated action from a
12 coordination proceeding ~~and to return that action or claim or issue~~
13 to the court in which the action was pending at the time the
14 coordination of that action was ordered. If a remanded action or
15 claim had been transferred by the coordination trial judge under
16 rule ~~1543~~ 3.543 [*] from the court in which ~~such action~~ the
17 remanded action or claim was pending, the remand ~~shall~~ must
18 include the retransfer of ~~the~~ that action or claim to that court.
19

20 ~~(p)~~(16) “serve and file” means that a paper filed in a court ~~is to~~ must be
21 accompanied by proof of prior service ~~in a manner permitted by~~
22 law of a copy of the paper on each party required to be served
23 ~~under these~~ the rules in this chapter.
24

25 ~~(q)~~(17) “serve and submit” means that a paper to be submitted to an
26 assigned judge ~~pursuant to these~~ under the rules in this chapter ~~is to~~
27 must be ~~transmitted~~ submitted to that judge at a designated court
28 address. Every paper so submitted must be accompanied by proof
29 of prior service on each party required to be served ~~under these~~ the
30 rules in this chapter. If there is no assigned judge, or if the paper is
31 a type included in rule 3.511(a), such the paper ~~shall~~ must be
32 ~~transmitted~~ submitted to the Chairman of the Judicial Council.
33

34 ~~(r)~~(18) “side” means all parties to an included or coordinated action who
35 have a common or substantially similar interest in the issues, as
36 determined by the assigned judge for the purpose of appointing ~~any~~
37 liaison counsel, ~~or~~ allotting peremptory challenges in jury
38 selection, or for any other appropriate purpose. Except as defined
39 in rule 3.515, a side may include less than all plaintiffs or all
40 defendants.
41

42 ~~(s)~~(19) “transfer” means to remove a coordinated action or severable claim
43 in that action from the court in which it is pending to any other

1 court pursuant to under rule 1543, 3.543, [*] without removing
2 such the action or claim from the coordination proceeding. The
3 term “Transfer” includes “retransfer.”
4

5 **Rule 1502. Complex case—definition**

6
7 The court must consider rule 3.400 et seq. [*]in determining whether a case is or
8 is not a complex case within the meaning of Code of Civil Procedure sections 403
9 and 404. ~~the court shall consider rule 1800 et seq. of the California Rules of~~
10 ~~Court.~~
11

- 12 (a) ~~“Shall” is mandatory, and “may” is permissive.~~
13
14 (b) ~~The past, present and future tenses shall each include the others.~~
15
16 (c) ~~The singular and plural shall each include the other.~~
17
18 (d) ~~Rule headings do not in any manner affect the scope, meaning, or~~
19 ~~intent of the provisions of these rules.~~
20
21 (e) ~~All section references in these rules are to the Code of Civil Procedure~~
22 ~~unless otherwise specified.~~
23

24 (Reviser's note: This rule is unnecessary because its subject matter is already
25 covered by rules 2.4 and 3.4.)
26

27 **Rule 1503. Requests for extensions of time or to shorten time**

28 29 **(a) Assigned judge may grant request**

30
31 The assigned judge, on terms that are just, may shorten or extend Tthe time
32 within which any act is permitted or required to be done by a party ~~may be~~
33 ~~shortened or extended by the assigned judge upon such terms as may be just.~~
34 Unless otherwise ordered, any motion or application for an extension of time
35 to perform an act required by these rules ~~shall~~ must be served and submitted,
36 in accordance with rule ~~1501(q)~~ 3.501(17). [*]
37

38 **(b) Stipulation requires consent of assigned judge**

39
40 ~~No~~ A stipulation for an extension of time for the filing and service of
41 documents required by ~~these the~~ rules ~~shall be allowed in this chapter unless~~
42 ~~consented to by~~ requires approval of the assigned judge. ~~If there is no~~

assigned judge, an application for an extension of time shall be submitted to the Chairman of the Judicial Council in accordance with rule 1511.

(c) Extension does not extend time for bringing action to trial

Nothing in this rule is intended to extend the time within which a party must bring an action to trial under Code of Civil Procedure section 583.310.

Rule 1504. General law applicable

(a) General law applicable

Except as otherwise provided in ~~these~~ the rules in this chapter, all provisions of law applicable to civil actions generally apply ~~regardless of nomenclature~~ to an action included in a coordination proceeding if they would otherwise apply to ~~such~~ the action without reference to this rule.

(b) Rules prevail over conflicting general provisions of law

To the extent that ~~these~~ the rules in this chapter conflict with ~~such~~ provisions of law applicable to civil actions generally, the rules in this chapter shall prevail, as provided by under Code of Civil Procedure section 404.7 of the Code of Civil Procedure.

(b)(c) Manner of proceedings may be prescribed by assigned judge

If the manner of proceeding is not prescribed by chapter 2 3 (commencing with section 404) of title 4 of part 2 of the Code of Civil Procedure or by ~~these~~ the rules in this chapter, or if the prescribed manner of proceeding cannot, with reasonable diligence, be followed in a particular coordination proceeding, the assigned judge may prescribe any suitable manner of proceeding that appears most ~~conformable to such~~ consistent with those statutes and rules.

(e)(d) Specification of applicable local rules

At the beginning of a coordination proceeding, the assigned judge ~~shall~~ must specify, subject to rule 981.1, any local court rules to be followed in that proceeding, and thereafter all parties ~~shall~~ must comply with ~~such~~ those rules. Except as otherwise provided in ~~these~~ the rules in this chapter or directed by the assigned judge, the local rules of the court designated in the order appointing the assigned judge ~~shall~~ apply in all respects if they would otherwise apply without reference to ~~these~~ the rules in this chapter.

1
2 **Rule 1505. Appellate review**
3

4 (a) **Coordination order to specify reviewing court**
5

6 If the actions to be coordinated are within the jurisdiction of more than one
7 reviewing court, an order granting a petition for coordination ~~shall~~ must
8 specify, in accordance with Code of Civil Procedure section 404.2, ~~of the~~
9 ~~Code of Civil Procedure~~, the court in which any petition for a writ relating to
10 any subsequent order in that coordination proceeding ~~shall~~ must be filed.
11

12 (b) **Court for review of order granting or denying coordination**
13

14 A petition for a writ relating to an order granting or denying coordination
15 may be filed, subject to the provisions of rule ~~20~~ 47.1, [*] in any reviewing
16 court having jurisdiction under the rules applicable to civil actions generally.
17

18 **Rule 1506. Liaison counsel**
19

20 (a) **Selection and appointment**
21

22 An assigned judge may at any time request the parties on each side of the
23 included or coordinated actions to select one or more of the attorneys of
24 record on that side to be appointed as liaison counsel, and may appoint ~~such~~
25 liaison counsel if the parties are unable to agree.
26

27 (b) **Duration of appointment by coordination motion judge**
28

29 Unless otherwise stipulated to or directed by an assigned judge, the
30 appointment of a liaison counsel by a coordination motion judge ~~shall~~
31 ~~terminates upon~~ the final determination of the issue whether coordination is
32 appropriate. For good cause shown, the coordination motion judge, on the
33 court's own motion or on the motion of any party, may remove ~~such~~
34 previously appointed counsel as liaison counsel.
35

36 ~~(b)(c) Service on party that has requested special notice~~
37

38 ~~Except as otherwise directed by the assigned judge, any party who has made~~
39 ~~a written request for special notice shall be served with a copy of any~~
40 ~~document thereafter served on the party's liaison counsel.~~
41
42

1 **Article 2. Procedures for Coordination of Complex Actions**

2
3 **Rule 1510. Service of papers**

4
5 **(a) Proof of service**

6
7 Except as otherwise provided in ~~these the~~ rules in this chapter, all papers
8 filed or submitted ~~under these rules shall~~ must be accompanied by proof of
9 prior service on all other parties to the coordination proceeding, including all
10 parties appearing in all included actions and coordinated actions. Service and
11 proof of such service ~~shall~~ must be made as provided for in civil actions
12 generally.
13

14 **(b) Service on liaison counsel**

15
16 ~~Except as provided in rule 1506(b), a~~Any party for ~~whom~~ which liaison
17 counsel has been designated may be served by serving the liaison counsel.
18

19 **(c) Effect of failure to serve**

20
21 Failure to serve any defendant with a copy of the summons and of the
22 complaint, or failure to serve any party with any other paper or order as
23 required by ~~these the~~ rules in this chapter, ~~shall~~ will not preclude the
24 coordination of the actions, but ~~such the~~ unserved defendant or party may
25 assert ~~such the~~ failure to serve ~~him~~ as a basis for appropriate relief.
26

27 **Rule 1511. Papers to be submitted to Chairman of the Judicial Council**

28
29 ~~A copy of every petition, notice of submission of petition for coordination,~~
30 ~~notice of opposition, application for stay order, stay order, notice of hearing~~
31 ~~on a petition, order granting or denying coordination, order of remand, order~~
32 ~~of transfer, and of every order terminating a coordination proceeding in~~
33 ~~whole or in part shall be transmitted to the Chairman of the Judicial Council.~~
34 ~~Any document required to be submitted to the Chairman of the Judicial~~
35 ~~Council shall be submitted in duplicate unless such document is accompanied~~
36 ~~by proof of submission of the original or a copy thereof to the assigned judge.~~
37 ~~All papers submitted to the Chairman of the Judicial Council under these~~
38 ~~rules shall be transmitted to the San Francisco office of the Judicial Council.~~
39

40 **(a) Types of papers**

41
42 A copy of the following papers must be submitted to the Chair of the Judicial
43 Council at the Judicial Council's San Francisco office:

- (1) Petition for coordination, including a petition for coordination of add-on cases,
- (2) Notice of submission of petition for coordination, along with the caption page of the original action,
- (3) Order assigning coordination motion judge, if made by a presiding judge;
- (4) Order assigning coordination trial judge, if made by a presiding judge;
- (5) Notice of opposition
- (6) Response in opposition to or in support of a petition for coordination,
- (7) Motion for stay order,
- (8) Notice of hearing on petition,
- (9) Order granting or denying coordination, including coordination of add-on cases,
- (10) Order of remand,
- (11) Order of transfer,
- (12) Order terminating a coordination proceeding in whole or in part,
- (13) Order dismissing an included or coordinated action,
- (14) Notice of appeal,
- (15) Notice of disposition of appeal.

(b) Obligation of party

The papers listed in subdivision (a) are to be submitted by the party that filed or submitted and served the papers or that was directed to give notice of entry of the order. Notice of submission must be filed with the court as part of the proof of service.

Rule 1512. Service of Memorandums ~~Points and authorities~~ and affidavits declarations

~~Unless otherwise provided in these the rules in this chapter or directed by the assigned judge, all memorandaums of points and authorities and affidavits declarations in support of or opposition to any petition, motion or application shall must be served and submitted not later than at least five ten calendar days prior to before any hearing upon the matter at issue.~~

Rule 1513. Evidence presented at court hearings

All factual matters to be heard on any petition for coordination, or on any other petition, motion or application under ~~these the rules in this chapter,~~ shall must be initially presented and heard upon affidavits declarations, answers to interrogatories or requests for admissions, depositions, or matters judicially

1 noticed. Oral testimony ~~shall~~ will not be permitted at a hearing except as the
2 assigned judge may permit to resolve factual issues shown by the affidavits,
3 declarations, responses to discovery, or matters judicially noticed to be in dispute.
4 ~~Except as otherwise permitted by the assigned judge for good cause shown, only~~
5 ~~the parties who that~~ have submitted a petition, or motion or application, or a
6 written response or opposition to such a petition, or motion or application, shall
7 will be permitted to appear at the hearing thereon, except the assigned judge may
8 permit other parties to appear, on a showing of good cause.
9

10 **Rule 1514. Motions and Stay orders for a stay**

11

12 **(a) Motion for stay**

13

14 ~~An application to an assigned judge~~ Any party may file a motion for an order
15 ~~pursuant to~~ under Code of Civil Procedure section 404.5 of the Code of Civil
16 ~~Procedure~~ staying the proceedings in any action being considered for, or
17 affecting an action being considered for, coordination, or the court may stay
18 the proceedings on its own motion. The motion for a stay may be included
19 with a petition for coordination or may be served and submitted to the Chair
20 of the Judicial Council and the coordination motion judge by any party at any
21 time prior to the determination of such the petition.
22

23 **(b) Contents of motion**

24

25 ~~An application~~ motion for a stay order ~~shall~~ must:

- 26 (1) list all known pending related cases ~~pending in any California court;~~
27 and shall
28
29 (2) state whether the stay order should extend to any such related case;
30 and
31
32 (3) ~~An application for a stay order shall be~~ supported by a memorandum
33 ~~of points and authorities~~ and by affidavits declarations establishing the
34 facts relied upon to show that a stay order is necessary and appropriate
35 to effectuate the purposes of coordination.
36

37 **(c) Service requirements for certain motions for stay orders**

38

39 If the action to be stayed is not included in the petition for coordination or
40 any response to that petition, copies of the application motion for a stay order
41 and of all supporting documents shall must be served upon on each party to
42 the action to be stayed, and any such party may serve and submit opposition
43 to the motion for a stay order.

1 **(d) Opposition to motion for stay order**

2
3 Any ~~points and authorities~~ memorandums and affidavits declarations in
4 opposition to an application motion for a stay order ~~shall~~ must be served and
5 submitted within 10 days after the service of ~~such~~ the motion.
6

7 **(e) Hearing on motion for stay order**

8
9 ~~and the assigned judge may schedule a hearing to determine whether the stay~~
10 ~~order shall issue. A stay order may be issued with or without a hearing. A~~
11 ~~party filing a motion for a stay order or opposition thereto may request a~~
12 ~~hearing to determine whether the stay order should be granted. A request for~~
13 ~~hearing should be made at the time the requesting party files the motion or~~
14 ~~opposition. If the coordination motion judge grants the request for a hearing,~~
15 ~~the requesting party must provide notice.~~
16

17 **(e)(f) Determination of motion for stay order**

18
19 In ruling ~~upon an application~~ motion for a stay order the assigned judge ~~shall~~
20 must determine whether the stay will promote the ends of justice, considering
21 the imminence of any trial or other proceeding that might materially affect
22 the status of the action to be stayed, and whether a final judgment in that
23 action would have a res judicata or collateral estoppel effect with regard to
24 any common issue of the included actions.
25

26 **(b)(g) Issuance of stay order and termination of stay**

27
28 ~~Any stay order issued without a hearing over the prior written objection of a~~
29 ~~party to the action stayed by such order shall terminate on the 30th day~~
30 ~~following filing of the stay order. A stay order issued in the absence of any~~
31 ~~timely written objection and without a hearing shall terminate on the 30th~~
32 ~~day following the submission by any party to the action stayed by such order~~
33 ~~of a written request for a hearing to determine whether the stay order shall~~
34 ~~remain in effect. Notice of a hearing to determine whether a stay order should~~
35 ~~be granted or terminated shall be prepared and served at the direction of the~~
36 ~~coordination motion judge. For good cause shown at such hearing, the judge~~
37 ~~may order the stay granted or extended pending determination of the petition~~
38 ~~for coordination. If a stay order is issued, the party that requested the stay~~
39 ~~must serve and file a copy of the order in each included action that is stayed.~~
40 Thirty days or more following issuance of the stay order, any party may
41 move to terminate the stay.
42
43

1 **(e)(h) Effect of stay order**

2
3 Unless otherwise specified in the ~~stay~~ order, a stay order suspends all
4 proceedings in the action to which it applies. A stay order may be limited by
5 its terms to specified proceedings, orders, motions, or other phases of the
6 action to which the ~~stay~~ order applies.

7
8 **(d)(i) Effect of absence of stay order**

9
10 In the absence of a stay order, a court receiving an order assigning a
11 coordination motion judge may continue to exercise jurisdiction over the
12 included action for purposes of all pretrial and discovery proceedings, but no
13 trial ~~shall~~ may be commenced and no judgment ~~shall~~ may be entered in that
14 action unless trial of the action had commenced ~~prior to~~ before the
15 assignment of the coordination motion judge.

16
17 **(f)(j) Effect of stay order on dismissal for lack of prosecution**

18
19 The time during which any stay of proceedings is in effect ~~pursuant to these~~
20 under the rules in this chapter ~~shall~~ must not be included in determining
21 whether the action stayed should be dismissed for lack of prosecution
22 ~~pursuant to~~ under chapter 1.5 (§ 583.110 et seq.) of title 8 of part 2 of the
23 Code of Civil Procedure.

24
25 **Rule 1515. Motions ~~pursuant to~~ under Code of Civil Procedure section 170.6**

26
27 ~~Any~~ A party making a peremptory challenge by motion or affidavit of prejudice
28 regarding an assigned judge ~~shall~~ must ~~be submitted~~ it in writing to the assigned
29 judge within 20 days after service of the order assigning the judge to the
30 coordination proceeding. All plaintiffs or similar parties in the included or
31 coordinated actions ~~shall~~ constitute a side and all defendants or similar parties in
32 such actions ~~shall~~ constitute a side for purposes of applying Code of Civil
33 Procedure section 170.6.

34
35 **Article 3. Petitions and Proceedings for Coordination of Complex Actions**

36
37 **Rule 1520. Motions filed in the trial court**

38
39 **(a) {General requirements}**

40
41 A motion filed in the trial court under this rule ~~shall~~ must ~~set forth~~ specify the
42 matters required by rule ~~1521(a)~~ 3.521(a), [*] and ~~shall~~ must be made in the
43 manner provided by law for motions in civil actions generally.

1
2 (b) ~~{Permission to submit a petition for coordination}~~

3
4 (1) Request for permission to submit coordination petition

5
6 If a direct petition is not authorized by Code of Civil Procedure
7 section 404, a party may request permission from the presiding judge
8 of the court in which one of the included actions is pending to submit
9 a petition for coordination to the Chairperson of the Judicial Council.
10 The request ~~shall~~ must be made by noticed motion accompanied by a
11 proposed order, to the presiding judge of a court in which one of the
12 included actions is pending. The proposed order must state that the
13 moving party has permission to submit a petition for coordination to
14 the Chair of the Judicial Council under rules 3.521–3.523.

15
16 (2) Order to be prepared

17
18 If permission to submit a petition is granted, the moving party ~~shall~~
19 ~~prepare an order which shall be~~ must served and filed ~~in the action the~~
20 signed order and submitted it to the Chairperson of the Judicial
21 Council. ~~The order shall grant the moving party permission to submit~~
22 ~~a petition for coordination to the Chairperson of the Judicial Council~~
23 ~~in compliance with rules 1521, 1522, and 1523.~~

24
25 (3) Stay permitted pending preparation of petition

26
27 To provide sufficient time for a party to submit a petition, the
28 presiding judge may, ~~under rule 1514(e),~~ stay all related actions
29 pending in that court for a reasonable time not to exceed 30 days.
30

31 (c) ~~{Transfer and consolidation}~~

32
33 ~~A motion to transfer and consolidate actions pending in the superior court~~
34 ~~and in a municipal or justice court of the same county under Code of Civil~~
35 ~~Procedure section 404 shall be submitted to a superior court in which one of~~
36 ~~the included actions is pending. The original moving papers shall be filed in~~
37 ~~the superior court action and copies shall be filed in each included action.~~
38 ~~The prevailing party shall prepare an order setting forth the disposition of the~~
39 ~~motion and shall serve and file the order in each included action. If transfer~~
40 ~~and consolidation are granted, the moving party shall take all necessary steps~~
41 ~~to effect the transfer of the action. The moving party shall complete the~~
42 ~~transfer no later than 90 days after the date the order of transfer is filed in the~~
43 ~~included action. If an included action is not transferred within the 90-day~~

1 period, the order of transfer shall expire with respect to that action without
2 prejudice to renewal of the motion to transfer and consolidate for good cause
3 shown.
4

5 (Reviser's note: Because of trial court unification, subdivision (c) is obsolete. It
6 should either be eliminated or revised to reflect unification.)
7

8 **Rule 1521. Petition for coordination**

9

10 **(a) Contents of petition**

11

12 A request submitted to the Chairman of the Judicial Council for the
13 assignment of a judge to determine whether the coordination of certain
14 actions is appropriate, or a request that a coordination trial judge make such a
15 determination concerning an add-on case, ~~shall~~ must be designated a
16 "Petition for Coordination" and may be made at any time after filing of the
17 complaint. The petition ~~shall~~ must state whether a hearing is requested and
18 ~~shall must~~ be supported by ~~points and authorities~~ a memorandum and
19 ~~affidavits~~ declarations showing:
20

21 (1) the name of each petitioner, or, when the petition is submitted by a
22 presiding or sole judge, the name of each real party in interest, and the
23 name and address of its ~~his~~ attorney of record, if any;
24

25 (2) the names of the parties to all included actions, and the name and
26 address of each party's attorney of record, if any;
27

28 (3) if the party seeking to submit a petition for coordination is a plaintiff,
29 whether the party's attorney has served the summons and complaint
30 on all parties in all included actions in which the attorney has
31 appeared;
32

33 ~~(3)(4)~~ for each included action, the complete title and case number of each
34 included action, together with, the date the complaint was filed and
35 the title of the court in which such the action is pending and the
36 number of such action;
37

38 ~~(4)(5)~~ the complete title and case number of any other action known to the
39 petitioner to be pending in a court of this state that shares a common
40 question of fact or law with the included actions, and a statement of
41 the reasons for not including such the other action in the petition for
42 coordination or a statement that the petitioner knows of no other
43 actions sharing a common question of fact or law;

~~(5)~~(6) the status of each included action, including the status of any pretrial or discovery motions or orders in that action, if known to petitioner;

~~(6)~~(7) the facts relied upon to show that each included action meets the coordination standards specified in Code of Civil Procedure section 404.1 ~~of the Code of Civil Procedure~~; and

~~(7)~~(8) any the facts relied upon in support of a request that a particular site or sites be selected for a hearing upon the petition for coordination.

(b) Submit proof of filing and service

~~A petition for coordination shall be accompanied by proof of filing of a copy of such petition, and of the notice required by rule 1522 and by proof of prior service of copies of the notice and petition as required by rule 1523. Within five calendar days of submitting the petition for coordination, the petitioner must submit to the Chair of the Judicial Council proof of filing of the notice of submission of petition required by rule 3.522, and proof of service of the notice of submission of petition and of the petition required by rule 3.523.~~

(c) Copies of pleadings in lieu of proof by declaration

In lieu of proof by ~~affidavit~~ declaration of any fact required by ~~subdivision~~ (a)(2), (3), (6) and (7), a certified or endorsed copy of the respective pleadings may be attached to the petition for coordination, provided that the petitioner ~~shall specify~~ ies with particularity the portions of the pleadings that are relied upon to show ~~such~~ the fact.

(d) Effect of imminent trial date

The imminence of a trial in any action otherwise appropriate for coordination may be a ground for summary denial of a petition for coordination, in whole or in part.

Rule 3.522. Notice of submission of petition for coordination

(a) Contents of notice of submission

~~In each included action, the petitioner must file Each petition for coordination shall be accompanied by proof of filing in each included action of a “Notice of Submission of Petition for Coordination” and of a copy of the petition for coordination. Each such notice shall~~ must bear the title of the

1 court in which the notice is to be filed and the title and number of ~~the~~ each
2 included action that is pending in that court. Each notice and shall must set
3 forth include:

4
5 (1) the date that the petition for coordination was submitted to the Chair
6 of the Judicial Council;

7
8 (2) the name and address of the petitioner's attorney of record;

9
10 (3) the title and case number of ~~the~~ each included action to which the
11 petitioner is a party, and the title of the court in which each action in
12 pending; and

13
14 ~~(4) the title of the court in which each action in pending; and~~

15
16 ~~(5) (4) the notice required by rule 1523(b) the statement that any written~~
17 opposition to the petition must be submitted and served at least 10
18 calendar days before the hearing date.

19
20 (b) Copies of notice

21
22 The petitioner must submit the A copy of each such notice and proof of filing
23 in each included action shall be attached to the original petition for
24 coordination to the Chair of the Judicial Council within five calendar days of
25 submitting the petition for coordination.

26
27 **Rule 1523. Service of notice of submission on party**

28
29 **Petitioner to serve notice**

30
31 The petitioner ~~shall~~ must serve ~~a copy of~~ the notice of submission of petition for
32 coordination that was filed in each included action, ~~together with a copy of the~~
33 petition for coordination, and ~~of the~~ supporting documents, ~~upon~~ each party
34 appearing in ~~such~~ each included action and submit it to the Chair of the Judicial
35 Council within five calendar days of submitting the petition for coordination.

36
37 ~~(b) The notice shall advise each party that if he intends to oppose the petition for~~
38 ~~coordination, he must serve and submit written opposition thereto not later than 45~~
39 ~~days after such notice of Submission of Petition for Coordination is served on him.~~
40 ~~In lieu of serving copies of the petition for coordination and supporting documents~~
41 ~~on any party, the petitioner may advise such party in the notice of submission of~~
42 ~~petition for coordination served on such party that, within five days after such~~
43 ~~notice, is served on him, he may request, in writing, the petitioner to furnish him~~

1 with copies of such petition and supporting documents. The petitioner shall
2 immediately furnish copies of the petition for coordination and supporting
3 documents to each party who makes a timely request, in writing, for such papers.
4

5 **Rule 1524. Order assigning coordination motion judge**
6

7 **(a) Contents of order**
8

9 An order by the Chairman of the Judicial Council assigning a coordination
10 motion judge to determine whether coordination is appropriate ~~shall~~ must
11 include the following:
12

13 (1) ~~bear~~ the special title and number assigned to the coordination
14 proceeding; and
15

16 (2) ~~specify a~~ the court address for submitting all subsequent documents to
17 be considered by the coordination motion judge.
18

19 **(b) Service of order**
20

21 The petitioner must serve ~~A copy of such~~ the order described in (a) ~~shall be~~
22 ~~served upon~~ each party appearing in an included action and ~~send it to~~ each
23 court in which an included action is pending with directions to the clerk to
24 file the order in the included action. ~~The order shall specify a court address~~
25 ~~to which all subsequent documents to be submitted to the coordination~~
26 ~~motion judge shall thereafter be transmitted.~~
27

28 **Rule 1525. Response in opposition to petition for coordination**
29

30 Any party to an included action that opposes coordination ~~Within 45 days after~~
31 ~~being served with a copy of a notice of submission of petition for coordination,~~
32 ~~any party may serve and submit a memorandum points and authorities and~~
33 ~~affidavits declarations in opposition to the petition. Any response in opposition~~
34 must be served and filed at least 10 calendar days before the date set for hearing.
35 .
36

37 **Rule 1526. Response in support of petition for coordination**
38

39 Any party to an included action; that supports coordination ~~within 30 days after he~~
40 ~~is served with a copy of the notice of submission as required by rule 1523, may~~
41 serve and submit a written statement in support of the petition. Any response in
42 support must be served and filed at least 10 calendar days before the date set for
43 hearing. If a party that supports coordination does not support the particular site or

1 sites requested by the petitioner for the hearing on the petition for coordination,
2 that party may request that a different site or sites be selected and include in its
3 response the facts relied on in support thereof.

4
5 **Rule 1527. Notice of hearing on petition for coordination**

6
7 (a) **Timing and notice of hearing** ~~No action shall be ordered coordinated over~~
8 ~~the objection of any party, and no petition for coordination shall be denied,~~
9 ~~unless a hearing has been held on the petition as provided in these rules.~~

10
11 ~~When t~~The coordination motion judge determines that must set a hearing date
12 is required on a petition for coordination; he shall determine within 30 days
13 of the date of the order assigning the coordination motion judge. When a
14 coordination motion judge is assigned to decide a petition for coordination
15 that lists additional included actions sharing a common question of law or
16 fact with included actions in a petition for coordination already pending
17 before the judge, the judge may continue the hearing date on the first petition
18 no more than 30 days in order to hear both petitions at the same time. The
19 petitioner must provide notice of the hearing the time, place and matters or
20 issues to be heard, and a notice thereof shall be served upon each party
21 appearing in an included action. If T~~he coordination motion judge shall~~
22 determines that whether the petitioner has served appropriate notice on all a
23 parties who that should receive be served with notice of the petition for
24 coordination proceeding, and if he finds that any such party has not been so
25 served with notice, he shall the coordination motion judge must order the
26 petitioner to effect promptly service upon such that party. If the coordination
27 motion judge determines that a hearing is not required under subdivision (b),
28 the hearing date must be vacated and notice provided to the parties.

29
30 (b) **Circumstances in which hearing required**

31
32 A hearing must be held to decide a petition for coordination if a party
33 opposes coordination. A petition for coordination may not be denied unless a
34 hearing has been held.

35
36 (c) **Report to the Chair of the Judicial Council**

37
38 ~~If the issue whether~~ petition for coordination is appropriate has not been
39 ~~determined~~ decided within 90 30 days after his assignment the hearing, the
40 coordination motion judge shall must promptly submit to the Chairman of the
41 Judicial Council a written report describing:

- 42
43 (1) the present status of the petition for coordination proceeding,;

- (2) any factors or circumstances that may have caused undue or unanticipated delay in ~~the determination of the issue whether coordination is appropriate~~, deciding the petition for coordination; and
- (3) any stay orders that are in effect.

Rule 1528. Separate hearing on certain coordination issues

When it ~~appears that~~ a petition for coordination may be disposed of ~~upon the~~ determination of a specified issue or issues, without ~~the necessity of conducting a~~ hearing ~~upon all issues raised by such the petition and by any opposition, thereto,~~ the assigned judge may order that the specified issue or issues be heard and determined ~~prior to any~~ before a hearing on the remaining issues.

Rule 1529. Order granting or denying coordination

(a) ~~{Filing, and service, and submittal}~~

When a petition for coordination is granted or denied, the petitioner must promptly file a copy of the order shall be filed forthwith in each included action, serve it ~~A copy shall also be served~~ on each party appearing in an included action, and submit it to the Chair of Judicial Council.

(b) ~~{Stay of further proceedings}~~

When an order granting coordination is filed in an included action, all further proceedings in that action are automatically stayed, except as directed by the coordination trial judge or by the coordination motion judge ~~pursuant to~~ subdivision under (c). The stay ~~of further proceedings shall~~ does not preclude the court in which the included action is pending from accepting and filing papers with proof of submission of a copy to the assigned judge or from exercising jurisdiction over any severable claim that has not been ordered coordinated.

(c) ~~{Authority of Coordination motion judge's authority pending assignment of coordination trial judge}~~

After a petition for coordination ~~is~~ has been granted and before a coordination trial judge ~~is~~ has been assigned, the coordination motion judge may for good cause make any appropriate order as the ends of justice may require, but ~~shall~~ may not commence a trial or enter judgment in any included action. Good cause ~~shall~~ includes a showing of an urgent need for

1 judicial action to preserve the rights of a party pending assignment of a
2 coordination trial judge.

3
4 **(d) [Order denying coordination]**

5
6 The authority of a coordination motion judge over an included action
7 terminates ~~When an order denying a petition for coordination is filed in an~~
8 the included action and served on the parties to the action, ~~the authority of~~
9 ~~the coordination motion judge over the included action shall terminate. Any~~
10 A stay that has been ordered by the coordination motion judge shall
11 terminates 10 days after the order denying coordination is filed ~~filing of the~~
12 ~~order denying coordination.~~

13
14 **Rule 1530. Site of coordination proceedings**

15
16 **(a) Recommendation by coordination motion judge**

17
18 If a petition for coordination is granted, the coordination motion judge must,
19 in the order granting coordination, recommend to the Chair of the Judicial
20 Council a particular superior court for the site of the coordination
21 proceedings.

22
23 **(b) Factors to consider**

24
25 The coordination motion judge may consider any relevant factors in making
26 a recommendation for the site of the coordination proceedings, including the
27 following:

- 28
29 (1) the number of included actions in particular locations;
30
31 (2) whether the litigation is at an advanced stage in a particular court;
32
33 (3) the efficient use of court facilities and judicial resources;
34
35 (4) the locations of witnesses and evidence;
36
37 (5) the convenience of the parties and witnesses;
38
39 (6) the parties' principal places of business;
40
41 (7) the office locations of counsel for the parties; and
42

1 (8) the ease of travel to and availability of accommodations in particular
2 locations.

3
4 **Rule 1531 Potential add-on case**

5
6 **(a) Notice**

7
8 Any party to an included action in a pending petition for coordination must
9 promptly provide notice of any potential add-on case in which that party is
10 also named or in which that party’s attorney has appeared. The party must
11 submit notice to the coordination motion judge and the Chair of the Judicial
12 Council and serve it on each party appearing in the included actions in the
13 pending petition and each party appearing in the potential add-on cases.

14
15 **(b) Stipulation or order**

16
17 By stipulation of all parties or order of the coordination motion judge, each
18 potential add-on case will be deemed an included action for purposes of the
19 hearing on the petition for coordination.

20
21 **Rule 1532 Petition for coordination when cases already ordered**
22 **coordinated**

23
24 **(a) Assignment of coordination trial judge**

25
26 If it appears that included actions in a petition for coordination share a
27 common question of law or fact with cases already ordered coordinated, the
28 Chair of the Judicial Council may assign the petition to the coordination trial
29 judge for the existing coordinated cases to decide the petition as a request to
30 coordinate an add-on case under rule 1544.

31
32 **(b) Order**

33
34 The coordination trial judge’s order must specify either that the request to
35 coordinate an add-on case is granted or denied.

36
37 **(c) Filing and service**

38
39 The petitioner must promptly file the order in each included action, serve
40 on each party appearing in an included action, and submit a copy to the
41 Chair of Judicial Council.

1 (d) Cases added on and right to preemptory challenge

2
3 If the coordination trial judge grants the petition, the included actions will
4 be coordinated as add-on cases and the right to file a preemptory challenge
5 under Code of Civil Procedure section 170.6 is limited by rule 1515.
6

7 (e) Assignment of coordination trial judge if cases not added on

8
9 If the coordination trial judge denies the petition as a request to coordinate
10 an add-on case under rule 3.544, the Chair of the Judicial Council must
11 assign a coordination motion judge to determine whether coordination is
12 appropriate under rule 1524.
13

14 **Article 4. Pretrial and Trial Rules for the Coordination of Complex Actions**

15
16 **Rule 1540. Order assigning coordination trial judge**

17
18 (a) **Assignment by Chair of Judicial Council**

19
20 ~~Upon the granting of~~ When a petition for coordination is granted, the
21 Chairman of the Judicial Council shall must assign a coordination trial judge
22 to hear and determine the coordinated actions as provided by under Code of
23 Civil Procedure section 404.3 of the Code of Civil Procedure. The order
24 assigning a coordination trial judge must designate an address for submission
25 of papers to that judge.
26

27 (b) **Powers of coordination trial judge**

28
29 Immediately upon his assignment, the coordination trial judge may exercise
30 all the powers over each coordinated action of a judge of the court in which
31 that action is pending.
32

33 (c) **Filing and service of copies of assignment order**

34
35 The petitioner must file ~~A copy of the assignment order shall be filed in each~~
36 coordinated action and another copy thereof shall be transmitted to serve it
37 on each party appearing in such each action. The order assigning a
38 coordination trial judge shall designate a single address to which all papers to
39 be submitted to that judge shall be transmitted. Every paper filed in a
40 coordinated action shall must be accompanied by proof of submission of a
41 copy thereof of the paper to the coordination trial judge at the designated
42 address. A copy of the assignment must be included in any subsequent
43 service of process on any defendant in the action.

1
2 **Rule 1541. Duties of the coordination trial judge**
3

4 **(a) Initial case management conference**
5

6 The coordination trial judge ~~shall~~ must hold a ~~preliminary trial case~~
7 management conference, ~~preferably~~ within 45 days after issuance of the
8 assignment order. ~~by the Chairman of the Judicial Council. Counsel and all~~
9 ~~self-represented persons appearing in propria persona shall must come to~~
10 attend the conference and be prepared to discuss all matters specified in the
11 order setting the conference. At any time following the assignment of the
12 coordination trial judge, ~~counsel~~ a party may serve and submit a proposed
13 agenda for the conference and a proposed form of order covering such
14 matters of procedure and discovery as may be appropriate. At ~~such~~ the
15 conference, the judge may:

- 16
17 (1) appoint liaison counsel ~~in accordance with~~ under rule ~~1506~~ 3.506; [*]
18
19 (2) establish a timetable for filing motions other than discovery motions;
20
21 (3) establish a schedule for discovery;
22
23 (4) provide a method and schedule for the submission of preliminary legal
24 questions that might serve to expedite the disposition of the
25 coordinated actions;
26
27 (5) in class actions, establish a schedule, if practicable, for the prompt
28 determination of matters pertinent to the class action issue;
29
30 (6) establish a central depository or depositories to receive and maintain
31 for inspection by the parties evidentiary material and specified
32 documents that are not required by ~~these~~ the rules in this chapter to be
33 served ~~upon~~ all parties; and
34
35 (7) schedule further ~~pretrial~~ conferences if appropriate.
36

37 **(b) Management of proceedings by coordination trial judge**
38

39 The coordination trial judge ~~shall~~ must assume an active role in managing all
40 steps of the pretrial, discovery, and trial proceedings to expedite the just
41 determination of the coordinated actions without delay. ~~He~~ The judge may,
42 for the purpose of coordination and to serve the ends of justice:
43

- (1) order any coordinated action transferred to another court ~~pursuant to~~
under rule 1543; 3.543; [*]
- (2) schedule and conduct hearings, conferences, and a trial or trials at any site within this state that he the judge deems appropriate with due consideration to the convenience of parties, witnesses, and counsel; the relative development of the actions and the work product of counsel; the efficient utilization of judicial facilities and ~~manpower~~ resources; and the calendar of the courts; and
- (3) order any issue or defense to be tried separately and prior to the trial of the remaining issues when it appears that the disposition of any of the coordinated actions might thereby be expedited.

Rule 1542. Remand of action or claim

The coordination trial judge, ~~upon the stipulation of all parties to a coordination proceeding or upon the basis of evidence received at a hearing ordered on his own motion or on the motion of any party to any coordinated action,~~ may at any time remand a coordinated action or any severable claim or issue in that action to the court in which the action was pending at the time the coordination of that action was ordered; Remand may be made on the stipulation of all parties or on the basis of evidence received at a hearing on the court's own motion or on the motion of any party to any coordinated action. provided that No action or severable claim or issue in that action shall may be remanded over the objection of any party unless the evidence demonstrates a material change in the circumstances that are relevant to the criteria for coordination as stated in under Code of Civil Procedure section 404.1. If the order of remand requires that the action be transferred, the provisions of rule 1543(b) 3.543(b) shall be are applicable to the transfer. A remanded action is no longer part of the coordination proceedings for purposes of the rules in this chapter.

Rule 1543. Transfer of action or claim

(a) Court may transfer coordinated action

The coordination trial judge, ~~on his motion or on the motion of any party to any coordinated action,~~ may order any coordinated action or severable claim in that action transferred from the court in which it is pending to another court for a specified purpose or for all purposes. Transfer may be made by the court on its own motion or on the motion of any party to any coordinated action.

1 **(b) Hearing on motion to transfer**

2
3 ~~No action or claim shall be transferred over the objection of any party unless~~
4 If a party objects to transfer, the court must hold a hearing ~~has been held~~
5 upon on at least 10 days' written notice served upon all parties to that action.
6 At any hearing to determine whether an action or claim should be transferred,
7 the court ~~shall~~ must consider the convenience of parties, witnesses, and
8 counsel; the relative development of the actions and the work product of
9 counsel; the efficient utilization of judicial facilities and ~~manpower~~
10 resources; the calendar of the courts; and any other relevant matter.

11
12 **(b)(c) Order transferring action**

13
14 The order transferring the action or claim ~~shall~~ must designate the court to
15 which the action is transferred and ~~shall~~ must direct that a copy of the order
16 of transfer ~~shall~~ be filed in each coordinated action. The order must indicate
17 whether the action remains part of the coordination proceedings for purposes
18 of the rules in this chapter.

19
20 **(d) Duties of transferor and transferee courts**

21
22 (1) Duty of transferor court

23
24 The clerk of the court in which the action was pending ~~shall~~ must
25 immediately prepare and transmit to the court to which the action is
26 transferred a certified copy of the order of transfer and of the
27 pleadings and proceedings in ~~that~~ the transferred action and ~~shall~~ must
28 serve a copy of the order of transfer ~~upon~~ each party appearing in that
29 action.

30
31 (2) Duty of transferee court

32
33 The court to which the action is transferred ~~shall~~ must file the action
34 as if the action had been commenced in that court. No fees ~~shall~~ may
35 be required for such transfer by either court.

36
37 (3) Transmission of papers

38
39 If it is necessary to have any of the original pleadings or other papers
40 in the transferred action before the coordination trial judge, the clerk
41 of the court from which the action was transferred ~~shall~~ must, upon
42 written request of a party to that action or of the coordination trial
43 judge, transmit such papers or pleadings to the court to which the

1 action is transferred, ~~a~~ and must retain a certified copy thereof ~~being~~
2 ~~retained~~.

3
4 **(e) Transferee court to exercise jurisdiction**

5
6 ~~Upon~~ On receipt of an ~~a~~ transfer order, ~~of transfer~~, the court to which the
7 action is transferred may exercise jurisdiction over the action in accordance
8 with the orders and directions of the coordination trial judge, and no other
9 court ~~shall~~ may exercise jurisdiction over that action except as provided in
10 this rule.

11
12 **Rule 3.544.1544. Add-on cases**

13
14 **(a) Request to coordinate add-on case**

15
16 A request to coordinate an add-on case ~~shall~~ must conform to ~~comply with~~
17 the requirements of rules ~~1520~~ 3.520 through ~~1523~~ 3.523 [*] except that
18 ~~such~~ the request ~~shall~~ must be submitted to the coordination trial judge
19 ~~pursuant to~~ under section 404.4 of the Code of Civil Procedure, with proof of
20 mailing of one copy thereof to the Chairman of the Judicial Council and ~~with~~
21 proof of service as required by rule ~~1510~~ 3.510. [*]

22
23 **(b) Opposition to request to coordinate an add-on case**

24
25 Within 10 days after ~~such~~ the service of a request, any party may serve and
26 submit a notice of opposition to ~~such~~ the request. Thereafter, within 15 days
27 after submitting ~~his~~ a notice of opposition, the party ~~shall~~ must serve and
28 submit ~~his points and authorities~~ a memorandum and affidavits declarations
29 in opposition to the request. Failure to serve and submit ~~such points and~~
30 ~~authorities~~ a memorandum and affidavits declarations in opposition may be a
31 ground for granting the request to coordinate an add-on case.

32
33 **(c) Hearing on request to coordinate an add-on case**

34
35 The coordination trial judge may order a hearing ~~to be held on the~~ a request
36 to coordinate an add-on case ~~as provided by~~ under rules ~~1527~~ 3.527 and ~~1528~~
37 3.528 [*] and may allow the parties to serve and submit additional written
38 materials in support of, or in opposition to, the request. ~~At any such hearing~~
39 In deciding the request to coordinate, the court ~~shall~~ must consider the
40 relative development of the actions and the work product of counsel, in
41 addition to any other relevant matter. ~~Any~~ An application for an order
42 staying the add-on case ~~shall~~ must be made to the coordination trial judge ~~in~~
43 ~~the manner provided by~~ under rule ~~1514.~~ 3.515. [*]

1
2 **(e)(d) Order on request to coordinate an add-on case**

3
4 If no party has filed a notice of opposition within the time required under (b),
5 the coordination judge may enter an order granting or denying the request
6 without a hearing. An order granting or denying a request to coordinate an
7 add-on case ~~shall~~ must be prepared and served ~~as provided by~~ under rule
8 ~~1529 3.529~~ [*] and an order granting such request ~~shall, upon filing,~~
9 automatically stay all further proceedings in the add-on case ~~as provided in~~
10 under rule ~~1529 3.529~~ [*].

11
12 **Rule 1545. Termination of coordinated action**

13
14 **(a) Coordination trial judge may terminate action**

15
16 The coordination trial judge may terminate any coordinated action by
17 settlement or final dismissal, summary judgment, or judgment, or may
18 transfer ~~such~~ the action so that it may be dismissed or otherwise terminated
19 in the court where ~~the action~~ it was pending when coordination was ordered.

20
21 **(b) Copies of order dismissing or terminating action and judgment**

22
23 A certified copy of ~~any~~ the order dismissing or terminating the action and of
24 any judgment ~~shall~~ must be transmitted to:

- 25
26 (1) the clerk of the court in which the action was pending when
27 coordination was ordered, who shall promptly enter any judgment and
28 serve notice of entry of the judgment ~~upon~~ on all parties to the action;
29 and on the Chair of the Judicial Council; and
30
31 (2) the appropriate clerks for filing in each pending coordinated action.

32
33 **(c) Judgment in coordinated action**

34
35 The judgment entered in each coordinated action ~~shall~~ must bear the title and
36 number ~~that would be applicable to that action without regard to the~~
37 coordination proceeding assigned to the action at the time it was filed.

38
39 **(d) Proceedings in trial court after judgment**

40
41 Until the judgment in a coordinated action becomes final or until a
42 coordinated action is remanded, all further proceedings in that action to be
43 determined by the trial court ~~shall~~ must be determined by the coordination

trial judge;. Thereafter, unless otherwise ordered by the coordination trial judge, all such proceedings ~~shall~~ must be conducted in the court where the action was pending when coordination was ordered. The coordination trial judge ~~shall~~ must also specify the court in which any ancillary proceedings ~~shall~~ will be heard and determined. For purposes of this rule, a judgment is final when it is no longer subject to appeal.

Article 5. Administration of Coordinated Complex Actions

Rule 1550. General administration by Administrative Office of the Courts

(a) Coordination attorney

Except as otherwise provided in ~~these the rules in this chapter~~, all necessary administrative functions under this ~~division chapter~~ shall will be performed at the direction of the ~~Chairman~~ of the Judicial Council by a coordination attorney in the Administrative Office of the Courts.

(b) Duties of coordination attorney

The coordination attorney ~~shall~~ must at all times maintain:

(1) ~~for the Chairman of the Judicial Council~~ a list of active and retired judges who are qualified and currently available to conduct coordination proceedings; and

(2) ~~The coordination attorney shall must also maintain~~ a register of all coordination proceedings and a file for each such proceeding, for public inspection during regular business hours at the San Francisco office of the Judicial Council. a register of all coordination proceedings and a file for each such proceeding for public inspection during regular business hours.

~~(b)~~(c) Coordination proceeding title and case number

The coordination attorney must assign each coordination proceeding shall be given a special title and coordination proceeding number. assigned by the coordination attorney, and Thereafter all papers in that proceeding ~~shall must~~ must bear ~~such that~~ that title and ~~coordination proceeding~~ coordination proceeding number.